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EXAMINER
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VANTERPOOL, LESTER L

ART UNIT	PAPER NUMBER
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3782

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/708,813

Applicant(s)

CHIMENTI ET AL.

Examiner

Lester L. Vanterpool

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on July 13, 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-29 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date July 28, 2005.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Settlemayer (U.S. Patent Number 6010048). Settlemayer discloses the anchor mechanism (See Figure 2) adapted to secure to the transporting vehicle (See Figures 1 & 6 – 9) and to releasably receive the carrier foot (See Figure 4), the carrier foot (60) including the push-button actuator (See Figure 2) to configure the carrier foot (60) between secured (See Figure 3) and unsecured configurations (See Figure 4); the housing (50) encasing the carrier foot (60), wherein the push-button actuator (See Figures 2 & 8) extends through and is at least partially exposed by the opening in the housing (See Figure 2) thus permitting operator manipulation of the push button actuator (See Figure 4); and the sliding cover (See Figure 8) having the substantially planar surface adapted to digital engagement by the user and the sliding cover being user-transitionable between the closed position in which the push-button is blocked from passing through the opening and the open position in which the push-button is permitted to pass through the opening (See Figures 1 – 9).

Regarding claim 2, Settelmayer discloses the sliding cover further includes the plurality of frictional ridges upon an outer surface of the sliding cover for facilitating changes in the position of the sliding cover (See Figures 2, 5 & 8).

Regarding claim 3, Settelmayer discloses the sliding cover is positionable such that the sliding cover will maintain the push-button actuator in the depressed position (See Figure 2).

Regarding claim 4, Settelmayer discloses the sliding cover engages the housing through the tongue-and-groove interface (See Figures 2, 5 & 8).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 – 12, 14, 15, 17, 18 & 21 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Settelmayer (U.S. Patent Number 6010048) in view of Brunner et al., (U.S. Patent Number 5377890). Settelmayer discloses the insert (28) to use in

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combination with the anchor mechanism (See Figures 2, 6 & 7) to secure the load carrier to the transporting vehicle (See Figure 1 & 2) and wherein the transporting vehicle has the channel (44) that is generally "C" shaped (See Figures 1, 6 & 7) in cross section; the insert (28) being the quadrilaterally shaped plate in which the first pair of parallel sides are longer than the second pair of parallel side such that the insert can be positioned inside the channel with the first pair of parallel sides aligned with the opening and subsequently the insert (28) can be repositioned within the channel (44) so that the first pair of parallel sides and the insert are substantially across the width of the opening.

However, Settelmayer does not disclose the top opening.

Brunner et al., teaches the channel that is generally "C" shaped in cross section and has the top opening (See Figures 2 & 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the channel that is generally "C" shaped in cross section and has the top opening as taught by Brunner et al., with the arrangement for securing a load carrier to a transporting vehicle of Settelmayer in order to enhance user visual access.

Regarding claim 6, Settelmayer discloses the insert (28) has the parallelogram shape (See Figure 2, 5 & 8).

Regarding claim 7, Settelmayer discloses the insert (28) has the oblique parallelogram shape (See Figures 2, 5 & 8).

Regarding claim 8, Settelmayer discloses the insert (28) at least one insert aperture defined therethrough (See Figure 2).

Regarding claim 9, Settelmayer discloses the insert (28) aperture is threaded so that the insert aperture can receive the corresponding threaded fastener (See Figure 2).

Regarding claim 10, Settelmayer discloses the spacer (42 & 42') for use in combination with the anchor mechanism (See Figure 2) (See Column 3, lines 9 – 10) and the insert (28) to secure the load carrier to the transporting vehicle (See Figures 2, 6 & 7), the transporting vehicle having the channel (44) (See Figures 1, 6 & 7) that is generally "C" shaped in cross section and having the opening, the spacer (42 & 42') configured to be positioned substantially within and substantially across the width of the opening of the channel, and wherein the spacer (42 & 42') has defined therethrough at least one spacer aperture (See Figure 2).

However, Settelmayer does not disclose the top opening.

Brunner et al., teaches the channel that is generally "C" shaped in cross section and has the top opening (See Figures 2 & 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the channel that is generally "C" shaped in cross section

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and has the top opening as taught by Brunner et al., with the arrangement for securing a load carrier to a transporting vehicle of Settelmayer in order to enhance user visual access.

Regarding claim 11, Settelmayer discloses the spacer (42 & 42') for use in combination with the anchor mechanism (See Figure 2) (See Column 3, lines 9 – 10) and the insert (28) to secure the load carrier to the transporting vehicle (See Figures 1, 2 & 8), the transporting vehicle having the channel (44) that is generally "C" shaped in cross section having slot (See Figures 6 & 7) and the opening, the spacer (42 & 42') comprising the spacer plate (42') (See Figure 2 & 5) having the width that allows the positioning the spacer (42 & 42') substantially within and substantially across the width of the opening of the channel (44), and at least one spacer aperture (See Figures 2 & 5) defined therethrough to accept the fastener (See Figures 2 & 5).

However, Settelmayer does not disclose the top opening.

Brunner et al., teaches the channel that is generally "C" shaped in cross section and has the top opening (See Figures 2 & 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the channel that is generally "C" shaped in cross section and has the top opening as taught by Brunner et al., with the arrangement for securing a load carrier to a transporting vehicle of Settelmayer in order to enhance user visual access.

Regarding claim 12, Settelmayer discloses the spacer plate (42 & 42') (See Figures 2 & 5) have the upper surface and the spacer (42 & 42') further comprises the first expanded portion on the lower surface of the spacer plate (42 & 42'), the first expanded portion being configured to insert into the slot of the channel (44) (See Column 3, lines 9 – 10).

Regarding claim 14, Settelmayer discloses the spacer (42 & 42') aperture is threaded to engage the corresponding portion of the threaded fastener (See Figure 2 & 5).

Regarding claim 15, Settelmayer discloses the spacer (42 & 42') aperture includes the protrusion provided at the interior periphery of the aperture to engage the portion of the threaded fastener (See Figures 2 & 5).

Regarding claim 17, Settelmayer discloses the anchor mechanism to secure the load carrier to the transporting vehicle (See Figures 1 & 2), includes the channel (44) (See Figures 5 & 6), the channel (44) having the generally C-shaped cross section (See Figure 6 & 7); and the anchor comprising: the base (20) having defined therethrough at least one base aperture (See Figure 2), wherein the base (20) is adapted to be positionable outside and substantially across the width of the opening of the channel (44); at least one insert (28), wherein each insert (28) is adapted to be positionable inside and substantially across the width of the opening of the channel (44) at the



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location substantially under the base (20), and having defined therethrough at least one insert (28) aperture (See Figure 2); at least one spacer (42 & 42'), wherein each spacer (42 & 42') is adapted to be positionable substantially within and substantially across the width of the opening of the channel (44), and substantially between the base (20) and the insert (28) (See Figure 2); and wherein the spacer (42 & 42') has defined therethrough at least one spacer (42 & 42') aperture (See Figures 2 & 5); and at least one fastener (See Figure 2), each fastener adapted to insert through the base (20) aperture (See Figure 2), through the spacer (42 & 42') aperture, and through the insert (28) aperture thus securing the anchor to the vehicle (See Figures 1, 2, 5 – 8) and concurrently drawing the insert (28) snugly against the interior side of the top of the channel (44) and drawing the base (20) snugly against the exterior side of the top of the channel (44).

However, Settelmayer does not disclose the top opening.

Brunner et al., teaches the channel that is generally "C" shaped in cross section and has the top opening (See Figures 2 & 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the channel that is generally "C" shaped in cross section and has the top opening as taught by Brunner et al., with the arrangement for securing a load carrier to a transporting vehicle of Settelmayer in order to enhance user visual access.

Regarding claim 18, Settelmayer discloses at least the portion of the fastener is threaded, and wherein the insert (28) aperture is correspondingly threaded (See Figure 2).

Examiner notes applicant is evoking 35 U.S.C. 112, 6<sup>th</sup> paragraph in claim 21, by reciting "means for" engaging the threads of the threaded fastener.

Regarding claim 21, Settelmayer discloses at least the portion of the fastener is threaded, and wherein the spacer (42 & 42') aperture, through which the fastener is inserted, includes means to engage the threads of the threaded fastener (40) (See Figure 2 & 5).

Examiner notes applicant is evoking 35 U.S.C. 112, 6<sup>th</sup> paragraph in claim 22, by reciting "means for" engaging the threads of the threaded fastener include threaded inserts.

Regarding claim 22, Settelmayer discloses the means to engage the threads of the threaded fastener (40) include threaded inserts (See Figures 2 & 5).

Examiner notes applicant is evoking 35 U.S.C. 112, 6<sup>th</sup> paragraph in claim 23, by reciting "means for" engaging the threads of the threaded fastener include protrusions.

Regarding claim 23, Settelmayer discloses the means to engage the threads of the threaded fastener (40) include protrusions (See Figures 2 & 5).

Regarding claim 24, Settelmayer discloses at least the portion of the fastener (40) is threaded, and wherein the spacer (42 & 42') aperture is correspondingly threaded to accept at least a portion of the threaded fastener (40) (See Figures 2 & 5).

Regarding claim 25, Settelmayer discloses the transporting vehicle includes the channel (44), the channel (44) having the generally C-shaped cross section (See Figures 6 & 7) with the access slot provided in the sidewall of the channel (44) (See Figures 6 & 7), the arrangement further comprising the base (20) and the accommodation unit and the accommodation unit being adapted to releasably securement to the base (20) (See Figure 4), and having the insert tab (28), the insert tab (28) extending longitudinally along the length of the accommodation unit (See Figures 2, 6 & 7) and adapted to insert into the access slot (See Figures 6 & 7), and having the distal end turned up to engage with the interior lip of the access slot (See Figure 2).

Examiner notes applicant is evoking 35 U.S.C. 112, 6<sup>th</sup> paragraph in claim 26, by reciting "means for" releasably securing the accommodation unit.

Regarding claim 26, Settelmayer discloses the anchor mechanism comprises an accommodation unit to use in combination with the base (20) secure the load carrier to the transporting vehicle (See Figure 2), the transporting vehicle having the channel (44) that is generally C-shaped in cross section (See Figures 6 & 7) and having the access slot provided in the sidewall of the channel (44) (See Figures 6 & 7), the

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accommodation unit comprising: the stop (24) including means to releasably securing the accommodation unit to the base (20); and the insert tab (28) (See Figure 2) extending longitudinally along the length of the accommodation unit, wherein the insert tab is adapted to insert into the access slot, and wherein the insert tab (28) (See Figure 2) has the distal end turned up to engage with an interior lip of the access slot.

Regarding claim 27, Settlemayer discloses the anchor mechanism comprises the accommodation unit to use in combination with the base (20) to secure the load carrier to the transporting vehicle (See Figures 1 & 2), the transporting vehicle having the channel (44) that is generally "C" shaped in cross section (See Figures 6 & 7) and having the access slot provided in the sidewall of the channel (44), the accommodation unit comprising: the substantially vertical stop plate (24) having the upper edge (84) in proximity to the base and the side wall in proximity to the access slot (See Figure 4); the fastener tab (86) extending laterally from the upper edge (84) of the stop plate (24), wherein the fastener tab (86) has defined therethrough at least one stop plate aperture (See Figure 4); and the insert tab (28) extending laterally from the side wall of stop plate (24), wherein the insert tab (28) is adapted to insert into the access slot (See Figures 2 & 4), and wherein the insert tab (28) has the distal end turned up to engage with the interior lip of the access slot (See Figures 2 & 5).

Regarding claim 28, Settlemayer discloses the stop plate (24) aperture (See Figure 2 & 4) is threaded to engage the corresponding portion of the threaded fastener (See Figure 2).

Regarding claim 29, Settlemayer discloses the cover (22) positionable upon the anchor mechanism when no carrier foot is received thereupon, the cover (22) configured to provide the protective sheath over internal working mechanisms embodied substantially within the anchor mechanism during times of non-use (See Figure 1, 2, 5 & 8).

4. Claims 13 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Settlemayer (U.S. Patent Number 6010048) and Brunner et al., (U.S. Patent Number 5377890) as applied to claim 11 above, and further in view of McIntosh (U.S. Patent Number 6050044). Settlemayer discloses the invention substantially as claimed. Settlemayer discloses the spacer plate (42 & 42') having the lower surface and the spacer (42 & 42').

However, Settlemayer as modified does not disclose the pin-portion on the upper surface of the spacer plate, the pin-portion designed to be received into the recess at the bottom of the base.

McIntosh teaches the pin-portion (24) on the upper surface of the spacer plate (See Figures 1 & 2), the pin-portion (24) designed to receive into the recess at the bottom of the base (See Figures 3 & 5) for the purpose of providing reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pin-portion on the upper surface of the spacer plate, the pin-portion designed to be received into the recess at the bottom of the base as taught by McIntosh with the arrangement for securing a load carrier to a transporting vehicle of Settelmayer in order to enhance reliable anchoring.

Regarding claim 16, Settelmayer discloses the spacer plate (42 & 42') having the upper and lower surface and the spacer (42 & 42') further comprises the first expanded portion on the lower surface of the spacer plate, the first expanded portion being configured to insert into the slot of the channel (44).

However, Settelmayer does not disclose the second expanded portion on the upper surface of the spacer plate, the second expanded portion designed to be received into the recess at the bottom of the base.

McIntosh teaches the second expanded portion (24) on the upper surface of the spacer plate (See Figures 1 & 2), the second expanded portion (See Figures 1 & 2) designed to be received into the recess at the bottom of the base (See Figures 3, 5 & 7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make second expanded portion on the upper surface of the spacer plate, the second expanded portion designed to be received into the recess at the bottom of the base as taught by McIntosh with the arrangement for securing a load carrier to a transporting vehicle of Settelmayer in order to enhance reliable anchoring.

5. Claims 19 & 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Settlemayer (U.S. Patent Number 6010048) and Brunner et al., (U.S. Patent Number 5377890) as applied to claim 17 above, and further in view of McIntosh (U.S. Patent Number 605044). Settlemayer discloses the spacer (42 & 42') adapted to extend into the interior space of the channel (44).

However, Settlemayer does not disclose the spacer further includes the expanded portion.

McIntosh teaches the spacer (10) (See Figure 1) further including the expanded portion (32 & 40) for the purpose of accommodating various rack channel cross-section width.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the spacer further including the expanded portion as taught by McIntosh with the arrangement for securing a load carrier to a transporting vehicle of Settlemayer in order to enhance multi-functional capabilities.

Regarding claim 20, Settlemayer discloses the invention substantially as claimed. Settlemayer discloses the spacer plate (42 & 42').

However, Settlemayer as modified does not disclose the pin-portion on the upper surface of the spacer plate, and wherein the base further includes the pin receiver portion at the lower surface of the base, wherein the portion is adapted to be insertable into the pin-receiver portion for promoting the alignment of the elements of the anchor.

McIntosh teaches the pin-portion (24) on the upper surface of the spacer plate (10) (See Figure 1), and wherein the base (See Figure 3) further includes the pin receiver portion (See Figures 3 & 5) at the lower surface of the base, wherein the pin portion (24) is adapted to be insertable into the pin-receiver portion (24) (See Figure 7) for promoting the alignment of the elements of the anchor (See Figure 7) for the purpose of providing reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pin-portion on the upper surface of the spacer plate, and wherein the base further includes the pin receiver portion at the lower surface of the base, wherein the portion is adapted to be insertable into the pin-receiver portion for promoting the alignment of the elements of the anchor as taught by McIntosh with the arrangement for securing a load carrier to a transporting vehicle of Settelmayer in order to enhance reliable anchoring.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1 – 29 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue


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requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**JES F. PASCUA**  
PRIMARY EXAMINER

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LLV

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